

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 91-410-T - ORDER NO. 92-424

JUNE 3, 1992

IN RE: Application of Terra First, Inc.,	)	
3rd Street and 4th Avenue, S.W.,	)	ORDER
P.O. Box 1249, Vernon, AL 35592,	)	DENYING
for a Class E Certificate of Public	)	APPLICATION
Convenience and Necessity.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Terra First, Inc. (the Applicant) on July 19, 1991, for a Class E Certificate of Public Convenience and Necessity to transport:

HAZARDOUS WASTES, CONSISTING OF ANY WASTE OR COMBINATIONS OF WASTE OF A SOLID, LIQUID, CONTAINED GASEOUS, OR SEMISOLID FORM, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS, IS DEFINED BY SECTION 44-56-20(6) OF THE 1979 CUM. SUPP. 1976 CODE OF LAWS OF SC, AND AS AMENDED, AS IS IDENTIFIED BY RULE 61-79.1B PROMULGATED BY THE SC DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, EFFECTIVE MARCH 31, 1980, AND AS AMENDED: Between points and places in South Carolina.

The Commission's Executive Director instructed the Applicant to publish a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of the Application and the manner and time in which to file appropriate pleadings for participation in the proceeding. The Applicant complied with this instruction and provided the Commission the proof of publication of the Notice of Filing. Petitions to Intervene were received from

the following: Environmental Services Corporation and Laidlaw Environmental Services.

A hearing was held on May 13, 1992, at 10:30 a.m. in the Commission's Hearing Room, the Honorable Marjorie Amos-Frazier, Chairman, presided. The Applicant was represented by Thomas M. Boulware, Esquire. The Intervenor, Environmental Services Corporation, was represented by Brett A. Hickman, Esquire, and the Intervenor, Laidlaw Environmental Services, was represented by Robert T. Bockman, Esquire, and Rita Secreast-Doll, Esquire. The Commission Staff was represented by F. David Butler, Staff Counsel.

The Applicant presented the testimony of two witnesses: Mitch Covington, President and General Manager of Terra First, Inc., and Tim Hamberg of Steel Heddle Manufacturing Company. The Intervenor, Environmental Services Corporation, presented the testimony of Pink G. Frady, Jr., of Travelers Rest, President of the Company, and the testimony of Chris Leggett of Spatco Enviromental. The Intervenor, Laidlaw Environmental Services presented the testimony of Neil Roberson of ABCO Limited, a chemical manufacturing company in Roebuck, South Carolina, and the testimony of James Thomas Griffin, of Laidlaw Environmental Services.

The Applicant presented the testimony of Mitch Covington, President and General Manager of Terra First, Inc., who testified to the Applicant's fitness, willingness and ability to appropriately perform the proposed service. Covington discussed the equipment owned and leased by the Company, insurance carried on

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vehicles, the financial status of the Company, the location of various states where Terra First, Inc. is licensed, and a number of other related matters, including the Company's U.S. Department of Transportation safety record. Tim Hamberg of Steel Heddle Manufacturing Company testified as to services provided on an interstate basis by Terra First, Inc. The Intervenor, Environmental Services Corporation and Laidlaw Environmental Services presented testimony concerning the status of service with regard to hazardous wastes. The Intervenor witnesses stated that they believed that the public convenience and necessity in the area of hauling of hazardous waste is already being served, in that both Environmental Services Corporation and Laidlaw Environmental Services and other certificated carriers have, in their opinion, adequate equipment and personnel to serve the existing need in South Carolina.

This matter is governed by R.103-134 which states that:

For common carrier authority,

an application for a certificate or to amend a certificate to operate as a common carrier by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service, provided, however, if an intervenor shows or if the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application.

The regulation goes on to discuss the criteria for a determination of whether or not an applicant is fit, willing, and able to provide the service proposed.

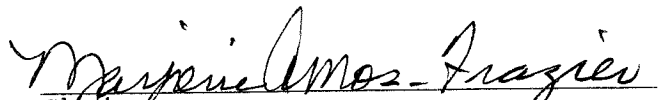
Upon consideration of this matter, the Commission believes that the public convenience and necessity, with regard to the hauling of hazardous wastes, is already being well served by the existing intrastate carriers, and therefore, the Commission believes that it must deny the Application.

IT IS THEREFORE ORDERED:

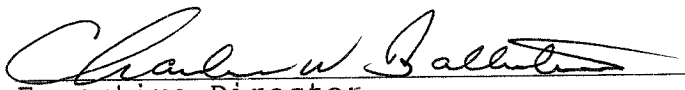
1. That the relief sought in the Application for a Class E Certificate of Public Convenience and Necessity is hereby denied, due to the fact that the public convenience and necessity is already being served.

2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director  
(SEAL)